

M.S.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/332,298	06/11/1999	YASUSHI ABE	31812	2750

116 7590 10/22/2002

PEARNE & GORDON LLP
526 SUPERIOR AVENUE EAST
SUITE 1200
CLEVELAND, OH 44114-1484

EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRB

Office Action Summary

Application No.

09/332,298

Applicant(s)

ABE, YASUSHI

Examiner

Nam V Nguyen

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/12/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's response filed July 12, 2002.

An amendment has been entered and made of record in the application of Abe for a "radio paging receiver and message erasing method" filed June 11, 1999. Claim 29 has been cancelled.

Claims 1-28 are pending.

Response to Arguments

The corrected or substitute drawing were received on July 12, 2002. These drawing are approved. Applicant is advised to submit new formal drawings including changes required by the proposed drawing correction filed on July 12, 2002, which has been approved by the examiner.

Applicant's arguments with respect to claims 1-28, filed July 12, 2002 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2635

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-8, 10, 15-18 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanden Heuvel et al. (US# 5426,424) in view of Helferich (US# 6,259,892.)

Referring to claims 1, 15-16 and 21, Vanden Heuvel et al. disclose a selective call receiver with database capability as claimed in 1, 11 and 15. See Figure 1 and respective portions of the system specification.

Vanden Heuvel et al. show a radio paging receiver (100) comprising:

Receiving means (103) for receiving a radio signal from a base station of a radio paging system (column 1 lines 11 to 15);

Holding means (109) for holding at least of calling address assigned to own receiver (column 4 lines 26 to 33);

First decoding means (111) for picking up message data corresponding to the calling address or the calling addresses from the radio signal (column 4 lines 48 to 52);

Data storing means (115) for storing the message data (column 4 lines 48 to 52);

Character sequence designating means (301) for designating character sequences in stored messages (column 5 lines 60 to 63);

Character sequence retrieving means (302) for detecting whether or not designated character sequences are contained in stored messages (column 4 lines 63 to 66);

Art Unit: 2635

Time counting means (113) for monitoring whether or not a predetermined time has lapsed after the messages are stored;

Erasing means (905 in Figure 9) for erasing the stored messages from a storage area (column 9 lines 65 to 68);

However, Vanden Heuvel et al. did not explicitly disclose first controlling means for causing the erasing means to erase concerned messages when it is detected by the character sequence retrieving means that the designated character sequences are contained in the stored messages and it is detected by the time counting means that the predetermined time has lapsed after the messages are stored. Vanden Heuvel et al. disclose erasing designated data bases upon receiving an add/delete selective call message.

In the same field of endeavor of radio paging receiver, Helferich teaches that first controlling means (27; see Figure 2) for causing the erasing means (116; see Figures 8 and 9) to erase concerned messages (201; see Figure 11) when it is detected by the character sequence retrieving means (114) (column 12 lines 55 to 65; column 13 lines 1 to 17) that the designated character sequences (i.e. message identifier of 201) are contained in the stored messages (5) and it is detected by the time counting means (28) that the predetermined time has lapsed after the messages (201) are stored (column 11 lines 35 to 48; column 13 lines 17 to 28; column 13 lines 62 to column 14 lines 23) in order to erase the message resided in memory for a certain period of time by using the retrieving message function to retrieve all the message in data message memory with a message identifier that the user was mark.

One skill in the art would have recognized to erase concerned messages when it is detected by retrieve message function that a predetermined time has lapsed of Helferich to

Art Unit: 2635

erasing designated data bases upon receiving an add/delete selective call message of Vanden Heuvel et al. because Vanden Heuvel et al. suggest that the need to modify a time that set by a user to delete old messages in the memory is so desired (column 8 lines 42 to 63) and Helferich teaches that the user to program the paging transceiver to erase messages by retrieving all messages with a message identifier of a data message at a particular time or set a expire time (column 3 lines 27 to 41; column 10 lines 36 to 44; column 11 lines 35 to 48). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to erase concerned messages when it is detected by message identifier that a predetermined time has lapsed of Helferich in erasing designated data bases upon receiving an add/delete selective call message as evidenced by Vanden Heuvel et al. with the motivation being to provide a radio pager transceiver capable of erasing the messages at programmable intervals that is set by users to save the memory space.

Referring to claims 2 and 22, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver according to claim 1, Vanden Heuvel et al. disclose further comprising a character sequence inputting means (503 in Figure 5 or 6) for inputting character sequences which are retrieved to erase message (column 6 lines 59 to 65).

Referring to claims 3, 16-17 and 23, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver according to claim 1, Vanden Heuvel et al. disclose further comprising:

Address associated storing means (601) for storing the message data picked up by the first decoding means every calling address (column 8 line 68 to column 9 line 5);

Art Unit: 2635

Address setting means (701) for designating the calling addresses as objects of erasure by time counting (column 9 lines 21 to 36); and

Second controlling means (120) for causing the erasing means to erase the messages based on signals from the address setting means and the time counting means (column 5 lines 19 to 27).

Referring to claim 7, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver, to the extent as claimed with respect to claim 1 above, Vanden Heuvel et al. disclose further comprising received character sequence retrieving means (1302 in Figure 13) for detecting whether or not designated character sequences are contained in received messages (column 11 lines 54 to 65) and Helferich discloses wherein when designated character sequences (i.e. message identifier; see Figure 11) are contained in the received messages (201), the messages (201) are not stored in a storage area (5; see Figure 1) but erased after the messages have been checked (i.e. ACK Flag; see Figure 7) (column 9 lines 58 to 67; column 11 lines 35 to 48; column 14 lines 6 to 23). Therefore, at the time the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to set up an acknowledgment flag in the message identifier to be erased after the message is read as evidenced by Helferich in the selective call receiver of Vanden Heuvel et al. because erasing after the messages have been checked would improve the memory space of the selective call receiver and delete unimportant message when the user flags the received message.

Referring to claims 4, 10, 18 and 24, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver according to claim 1, 7, 15 and 21, Vanden Heuvel et al. disclose further comprising:

Second and third decoding means (111) for picking up message data which are classified into a hierarchical structure and transmitted to own address (column 5 lines 49 to 54);

Hierarchy associated storing means for storing the message data which are picked up by the second and third decoding means every hierarchy (column 1 lines 44 to 52); and

Wherein erasure of the message is effected by the hierarchy setting means and the time counting means (column 6 lines 45 to 53).

Referring to claim 8, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver according to claim 7, Vanden Heuvel et al. disclose further comprising character sequence inputting means for inputting character sequences which are retrieved to erase messages (column 12 line 65 to column 12 line 4.)

Claims 5-6, 9, 11-14, 19-20 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vanden Heuvel et al. (US# 5426,424) in view of Helferich (US# 6,259,892) as applied to claims 1-4, 7, 15-18 above, and further in view of Murai (US# 5,239,679.)

Referring to claims 5-6, 9 and 19-20, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver according to any one of claims 1 to 4. However, Vanden Heuvel in view of Helferich did not clearly disclose further comprising: time setting means for inputting times as

Art Unit: 2635

timings for erasure of the messages by a user; and time monitoring means for monitoring whether or not a time coincides with an input times; wherein the erasure of the messages is effected periodically at respective times which are input by the user.

In the same field of endeavor of selective call receiver, Murai teaches that time setting means (12) and day-of-the-week means for inputting times as timings for erasure of the messages by a user (column 5 lines 11 to 15); and

time monitoring means and day-of-the-week means for monitoring whether or not a time coincides with an input times (column 3 lines 12 to 19);

Wherein the erasure of the messages is effected periodically at respective times which are input by the user (column 3 lines 20 to 27) for the purpose of erasing the stored messages which are several weeks old in memory and display only the current new messages (column 2 lines 24 to 37).

One skill in the art would have recognized the need to modify the timer and time setting circuit of Murai to the selective call receiver of Vanden Heuvel et al. in view of Helferich because Vanden Heuvel et al. suggests that the need to modify a time that set by a user to delete old messages in the memory is so desired and Murai teaches that the time measured by the timer circuit becomes identical to the message-erasing timing set by operating the input section, the message-erasing circuit automatically erases the message stored in said memory circuit (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the timer circuit of Murai into the selective call receiver of Vanden Heuvel et al. in view of Helferich with the motivation being to provide a

Art Unit: 2635

selective call receiver capable of erasing the messages at programmable intervals that is set by users.

Referring to claims 11-14 and 25-28, Vanden Heuvel et al. in view of Helferich disclose a radio paging receiver according to any one of claims 1 to 6. However, Vanden Heuvel did not clearly disclose wherein the messages are erased collectively concerned messages.

In the same field of endeavor of selective call receiver, Murai teaches that the messages are erased collectively concerned messages (column 3 lines 43 to 55) for the purpose of erasing the selectively stored messages.

One skill in the art would have recognized the need to modify the way to erase the messages in memory selectively by using the input section of Murai to the selective call receiver of Vanden Heuvel et al. in view of Helferich because Vanden Heuvel et al. suggests that the need to erase the messages in memory selectively is so desired and Murai teaches that pager holder has preset the message-erasing time of "00:00," all message codes stored in the message memory, except for those containing a data-preserving flag, are automatically erased at the preset message-erasing time (column 10 lines 21 to 29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify the way to erase the messages in memory selectively by using the input section of Murai into the selective call receiver of Vanden Heuvel et al. in view of Helferich with the motivation that a selective call receiver capable of erasing the collectively concerned messages of the user choice and providing the memory has more space to store other messages.

Art Unit: 2635

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
October 19, 2002



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

